

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed July 27, 2005. At the time of the Final Office Action, Claims 1-39 were pending in this Application. Claims 1-39 were rejected. Claims 15 and 25 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

The Examiner has rejected Claims 15 and 25 for containing informalities. Applicants submit that Claims 15 and 25 have been amended to overcome Examiner's concerns. Applicants request reconsideration and favorable action.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 7-11, 15-18, 22-28, and 32-39 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,794,534 issued to Keith K. Millheim ("Millheim"). Applicants respectfully traverse and submit that the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the Millheim reference cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because Millheim does not show all the elements of the present Claims.

Independent Claims 1 recites a method for predicting the performance of a drilling system that includes, among other steps, "determining a predicted drilling performance for a proposed drilling equipment based on the geology model and specification data of the proposed drilling equipment, wherein the specification data of the proposed drilling equipment is a function of the geology characteristic." Emphasis added.

Independent Claim 10 recites a program product that includes, among other limitations, instructions for “determining a predicted drilling performance for a proposed drilling equipment based on the geology model and specification data of the proposed drilling equipment, wherein the specification data of the proposed drilling equipment is a function of the geology characteristic.” Emphasis added.

Independent Claim 15 recites a method of selecting drilling equipment that includes, among other steps, “predicting a performance of a first drilling equipment of the drilling system to be used in drilling the potential well bore based on a predicted drilling mechanics data of the first drilling equipment, wherein the predicted drilling mechanics data is a function of the at least one geological characteristic used in modeling the potential well bore.” Emphasis added.

Independent Claim 25 recites a program product for selecting drilling equipment includes computer instructions for “predicting a performance of a first drilling equipment of the drilling system to be used in drilling the potential well bore based on a predicted drilling mechanics data of the first drilling equipment, wherein the predicted drilling mechanics data is a function of the at least one geological characteristic used in modeling the potential well bore.” Emphasis added.

Independent Claim 34 recites a system for selecting drilling equipment including, among other elements, “specification data of a plurality of proposed drilling equipment, the specification data of each proposed drilling equipment including a predicted drilling mechanics data as a function of the at least one geological characteristic used for the geological model.” Emphasis Added.

Examiner cites to Millheim as teaching each and every element of Independent Claims 1, 10, 15, 25 and 34. In addition to Applicants’ previous remarks with respect to the above claims, which are maintained, Applicants submit that Millheim clearly fails to disclose teach or suggest the provision or use of specification data (such as drilling mechanics data) of the proposed drilling equipment that is a function of a geology characteristic as recited in Claims 1, 10, 15, 25 and 34. Instead, the specification data contemplated by Millheim is either a characteristic that will not change as a function of a geology characteristic (e.g., bit size, bit manufacturer, jets utilized, etc.) or would be the result of the predictive models

suggested by Millheim (e.g. rate of penetration, feet drilled, etc.). The use of specification data that is a function of geology characteristics allows systems, programs and methods according to the present invention to consider drilling equipment characteristics (such as bit wear, mechanical efficiency, power and operating parameters) that will differ between one lithology and the next. Such functionality is not disclosed, taught or suggested by Millheim.

For at least these reasons Applicants respectfully request reconsideration, withdrawal of the §102 rejections and full allowance of Claims 1, 10, 15, 25 and 34 and Claims 2, 7-9, 11, 16-18, 22-24, 26-28, 32-33, and 35-39 which depend therefrom.

Rejections under 35 U.S.C. §103

Claims 3-6, 12-14, 19-21 and 29-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Millheim. Applicants submit that Claims 3-6, 12-14, 19-21 and 29-31 depend from claims that have now been placed in condition for allowance. Additionally, as described above, Millheim fails to disclose, teach or suggest all of the claimed limitations of such claims. Accordingly, Applicants respectfully submit that Millheim cannot render obvious Claims 3-6, 12-14, 19-21 and 29-31. Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Claims 3-6, 12-14, 19-21 and 29-31.

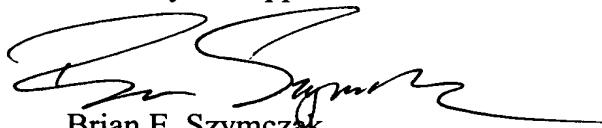
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Brian E. Szymczak
Reg. No. 47,120

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2548
512.322.8383 (fax)

Date: 9/27/05